UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,936	05/17/2000	Tetsuro Motoyama	5244-0125-2	7315

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EXAMINER
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ART UNIT	PAPER NUMBER
2153	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 09/453,936	**Applicant(s)** MOTOYAMA ET AL.
	Examiner Bradley Edelman	**Art Unit** 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 May 2000_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 May 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _3_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

This is a first office action on the merits of this application. Claims 1-18 are

presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1, 2, 4-9, 13, 14, and 16-18 are rejected under 35 U.S.C. 102(b) as being

anticipated by Shelton et al. (U.S. Patent No. 5,848,378, hereinafter "Shelton").

In considering claim 1, Shelton discloses a computer program product for

controlling a combination of protocol and format used to communicate event data

between a remote receiver ("client") and a device ("server") comprising:

First computer code means for selecting a protocol to transfer event data

between the remote receiver and the device, second computer code means for

selecting a first format to transfer event data between the remote receiver and the

device, and third computer code means for determining if the selected protocol is

compatible with the first selected format (col. 5, line 60 – col. 6, line 8, wherein "the data

including the real-time weather conditions at the selected site is presented to the users

in a variety of formats that are supported by the particular client/server protocol being

used," and thus, the system necessarily ensures that the formats are compatible with the selected protocol before selecting the formats).

In considering claim 2, Shelton further discloses a fourth code means for selecting a second format for transferring event data if the first format is not compatible with the selected protocol, and for ensuring that the second format is compatible with the protocol (Shelton discloses that multiple formats may be selected according to compatibility with the protocol. Such a selection of formats would necessarily include iterative steps, run by computer code, of comparing the protocol with each of the formats to determine which formats are compatible).

In considering claims 4 and 5, Shelton further discloses a fourth computer code means for selecting a second format to transfer event data between the remote receiver and the device, and a fifth computer code means to transmit the data to the remote receiver from the device using the first and second formats of the protocol supports plural formats at a time (col. 6, lines 1-7, wherein the text, graphics, images, video, and/or audio would be sent). However, Shelton does not explicitly state whether the different formats are sent sequentially or in parallel, as required by claims 4 and 5 respectively. Nonetheless, given the types of information being sent (i.e. text, graphics, images, video, audio), a person having ordinary skill in the art would have readily recognized the desirability and advantages of sending certain of the information in parallel (i.e. sending audio and video in parallel so they can be viewed simultaneously),

or sending other information sequentially (i.e. sending video and images sequentially so

that they can be viewed separately). Therefore, it would have been obvious to select

from sending the data either sequentially or in parallel in the system taught by Shelton.

In considering claim 6, Shelton further discloses a fourth computer code means

for storing a first indicator corresponding to the protocol selected, in a map entry; and a

fifth computer code means for storing a second indicator corresponding to the first

format, in a map entry (because the comparison and selection steps would necessarily

include a step of evaluating the type of protocol and format requested, storing both of

these indicators in some kind of map for such evaluation purposes would be inherent).

In considering claim 7, Shelton further discloses a sixth computer code means for

comparing the first and second indicators stored in the map against values in a data

structure corresponding to at least one compatible format for a specified protocol (i.e.

when the format and protocol are compared for selection, the value of the protocol

selected, stored in the request will be compared first to a protocol ID for protocol

selection, and then to a format ID for format selection).

In considering claim 8, Shelton further discloses a sixth computer code means for

comparing the first and second indicators stored in the map against values in a data

structure corresponding to at least one compatible protocol for a specified format (i.e.

when the format and protocol are compared for selection, the indicators will be

compared against corresponding data structures in the requests).

In considering claim 9, Shelton further discloses a sixth computer code means for

iterating over values in a data structure corresponding to at least one compatible format

for a specified protocol (inherent in the format selection process).

In considering claim 13, claim 13 is a parallel method claim to claim 1, and is

thus rejected for the same reasons.

In considering claim 14, claim 14 is a parallel method claim to claim 2, and is

thus rejected for the same reasons.

In considering claim 16, claim 16 is a parallel method claim to claim 4, and is

thus rejected for the same reasons.

In considering claim 17, claim 17 is a parallel method claim to claim 5, and is

thus rejected for the same reasons.

In considering claim 18, claim 18 is a parallel method claim to claim 6, and is

thus rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 3, 10-12, and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shelton.

In considering claim 3, Shelton further discloses a fourth computer code means

for selecting a second format to transfer event data between the remote receiver and

the device after selecting the first format; and a fifth computer code means for

transmitting data to the remote receiver from the device only using the second format

(col. 6, lines 1-8, wherein if only one format was compatible with the protocol, the

system would iteratively select formats until the compatible one is chosen for

transmission). In addition, the system taught by Shelton would inherently send only a

single format (i.e. the compatible format) if the protocol only supports a single format at

the same time. However, Shelton does not disclose that the single format will

necessarily be the disclosed second format. Nonetheless, such selection is merely a

matter of design choice. A person having ordinary skill in the art would have readily

recognized the desirability and advantages of selecting either one of the first or second

formats, as a simple matter of preference. Thus, it would have been obvious to use the

second format taught by Shelton (rather than the first) if the protocol only supports one

format at a time.

In considering claim 10, Shelton further discloses a sixth computer code means for iterating over values in a data structure corresponding to at least one compatible format for a specified protocol (inherent in the format selection process). However, Shelton does not disclose iterating over values corresponding to a compatible protocol for a specified format. Nonetheless, the decision to select protocols based on formats versus selecting formats based on protocols is merely one of design choice (the protocols are matched with the formats either way). Thus, a person having ordinary skill in the art would have readily recognized the desirability and advantages of selecting a protocol based on a desired format in the system taught by Shelton, rather than the other way around, to provide greater direct control over the format selected. Therefore it would have been obvious for the system taught by Shelton to select protocols based on desired formats, as claimed.

In considering claim 11, although the system taught by Shelton discloses substantial features of the claimed invention, it fails to explicitly disclose that one of the first through third computer code means comprises a library of code shared between a first and second applications. Nonetheless, Examiner takes official notice that the use of libraries in running computer code for different applications is a well-known standard in the computer programming art. Thus, given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including a library of code in the computer code means taught by Shelton, so that the system

conforms to standard coding practices. Thus, it would have been obvious for one of the first three computer code means taught by Shelton to comprise a library of code, as claimed.

In considering claim 12, although the system taught by Shelton discloses substantial features of the claimed invention, it fails to explicitly disclose that one of the first through third computer code means comprises a dynamically linked library of code shared between a first and second applications. Nonetheless, Examiner takes official notice that the use of dynamically linked libraries in running computer code for different applications is a well-known standard in the computer programming art. Thus, given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including a dynamically linked library of code in the computer code means taught by Shelton, so that the system conforms to standard coding practices. Thus, it would have been obvious for one of the first three computer code means taught by Shelton to comprise a dynamically linked library of code, as claimed.

In considering claim 15, claim 15 is a parallel method claim to claim 3, and is thus rejected for the same reasons.

Conclusion

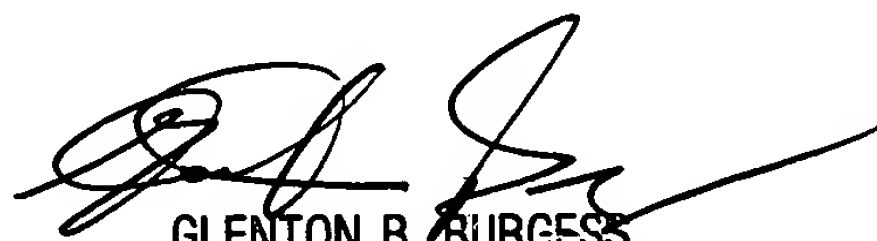The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE
September 30, 2003

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